

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Angelo Ferguson,

Plaintiff

v.

HDSP Medical Issues, et al.,

Defendants

Case No.: 2:20-cv-02339-APG-VCF

Order Denying Motion for Relief

(ECF No. 17)

This action began when pro se plaintiff Angelo Ferguson filed a civil-rights complaint under 28 U.S.C. § 1983 to address constitutional violations he claims to have suffered while incarcerated at High Desert State Prison.¹ Because Ferguson failed to submit an application to proceed in forma pauperis or pay the full \$402 filing fee for a civil action, and his complaint was not signed, Magistrate Judge Ferenbach gave Ferguson until March 1, 2021, to correct both deficiencies.² Although Ferguson filed a flurry of documents following that order, none corrected the identified deficiencies.³ So on March 15, 2021, I dismissed and closed this action based on Ferguson's failure to file a signed amended complaint and a fully complete application to proceed in forma pauperis or pay the filing fee.⁴

Ferguson thereafter filed a motion with the court that is three pages long and without any punctuation; it contains a hodgepodge of references to statutes, rules, legislation, and case law

¹ ECF No. 1-1.

² ECF No. 3.

³ See ECF Nos. 5, 9, 11, 12, 12-1, 12-2.

⁴ ECF No. 13.

1 but no clear request for any relief.⁵ I construe the motion as seeking to set aside the dismissal
2 order and reopen this case. And I deny the motion because it does not explain why Ferguson
3 failed to timely comply with Judge Ferenbach's order to file a signed amended complaint and
4 either pay the filing fee or file a complete application to proceed in forma pauperis. Ferguson
5 has not demonstrated that the without-prejudice dismissal of his claims was the product of his
6 excusable neglect or that good cause exists to set aside my dismissal order and reopen this case.

7 For the foregoing reasons, I order that Ferguson's motion for relief (ECF No. 17), which I
8 construe as a motion to reopen this case, is DENIED. If Ferguson wants to pursue the claims
9 that were at issue in this case, he must file a complaint in a **new action** and pay the required fee
10 or file an application to proceed in forma pauperis. **No other documents should be filed in this**
11 **closed case.**

12
13 Dated: March 3, 2022

14 
15 U.S. District Judge

16
17
18
19
20
21
22
23

 ⁵ ECF No. 17.